IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23870 of 2004

Between:

1 T.V.Raghavulu, S/o.Venkanna,
R/o.Bhimadole, West Godavari District.
2 B.Shivaiah, S/o.Rattaiah,
R/o.Bhimavaram, West Godavari District.

..... PETITIONERS

AND

1 The Govt. of Andhra Pradesh rep. by its Principal Secretary,
Home Affairs, Secretariat Buildings, Hyderabad.
2 The Govt. of Andhra Pradesh, rep.by its Secretary Legal and
Legislative Affairs, Secretariat Buildings, Hyderabad.
3 The District Collector, West Godavari, Eluru.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in not finalizing the panels sent by the learned principal Sessions Judge, Eluru for appointing public prosecutor and Additional public prosecutor in principal District & Sessions Court and Fast Track cum V Additional District & Sessions Court, Eluru respectively and the action of the 3rd Respondent in calling for additional names by way of additional panel from the principal District and Sessions Judge, Eluru while original panel is pending with him since four months is illegal, arbitrary, contrary to the Rules and politically motivated and consequently direct the Respondents to finalise the panels pending with them for appointing public Prosecutor and Additional Public prosecutor in the principal District and Sessions Court, Eluru and Fast Track cum V Additional District and Sessions Court, Eluru respectively without insisting for any additional names by way of additional panels and pass such other order or orders.

Counsel for the Petitioners: MR.Y.V.RAVI PRASAD

Counsel for the Respondents: GP FOR LAW & LEGISLATIVE AFFAIRS

The Court at the stage of admission made the following :

ORDER:

Petitioners are practicing advocates in the District of West Godavari. They state that on the expiry of the term of the Public Prosecutor for the Court of District &Sessions Judge, Eluru, the District Collector, the third respondent, addressed a letter to the learned District Judge, for forwarding a panel of names. It is also represented that no Public Prosecutor was appointed for the Fast Track Court-cum- V Addl.District & Sessions Judge, Eluru. They have narrated various developments that have taken place in the process of preparation of panel, and ultimately contend that though more than one year has elapsed, the public prosecutors have not been appointed so far.

Heard learned Counsel for the petitioners and the learned Government Pleader for Home.

The appointment of Public Prosecutors or Additional Public Prosecutors is governed by the procedure prescribed under Section 24 of the Criminal Procedure Code. A consultation has to take place between the District Collector and the District Judge and the panel so prepared is required to be forwarded to the Government, for further action. It is true that the consultation process takes its own time, and instant results cannot be expected in the process. However, the process itself is required to be commenced well in advance and concluded to ensure that a properly appointed Public Prosecutor or Additional Public Prosecutor exists for the concerned Courts. This Court is not provided with full facts that led to the delay in finalising the appointment of Public Prosecutors for the Courts referred to above.

Having regard to the fact that the matter is pending since last several months, the writ petition is disposed of, directing the respondents to ensure that Public Prosecutors and Additional Public Prosecutors for the Courts referred to above, are appointed in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

10th February, 2005

NB:-

Furnish CC in three days.

B/o.

Kvrk/Pan

To

1 The Principal Secretary, Home Affairs,

Govt. of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 The Secretary, Legal and Legislative Affairs,

Govt. of Andhra Pradesh, Secretariat Buildings, Hyderabad.
3 The District Collector, West Godavari, Eluru.

4 Two CCs to GP for Home, High Court Buildings, Hyderabad(OUT)

5 Two CD copies.